

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 2391

By: Kannady

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5  
6 AS INTRODUCED

7 An Act relating to state government; amending 74 O.S.  
8 2011, Section 840-2.20, as amended by Section 879,  
9 Chapter 304, O.S.L. 2012 (74 O.S. Supp. 2018, Section  
10 840-2.20), which relates to the Oklahoma Personnel  
11 Act; modifying leave benefits; increasing  
12 accumulation limits; authorizing option for payment  
13 of certain leave; requiring Director of the Office of  
14 Management and Enterprise Services to appoint certain  
15 committee; authorizing promulgation of administrative  
16 rules; and providing an effective date.

17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. AMENDATORY 74 O.S. 2011, Section 840-2.20, as  
19 amended by Section 879, Chapter 304, O.S.L. 2012 (74 O.S. Supp.  
20 2018, Section 840-2.20), is amended to read as follows:

21 Section 840-2.20 A. The Director of the Office of Management  
22 and Enterprise Services shall promulgate such emergency and  
23 permanent rules regarding leave and holiday leave as are necessary  
24 to assist the state and its agencies.

The Director of the Office of Management and Enterprise  
Services, in adopting new rules, amending rules and repealing rules,  
shall ensure that the following provisions are incorporated:

1 1. Eligible employees who enter on duty or who are reinstated  
2 after a break in service shall receive leave benefits in accordance  
3 with the schedule outlined below. Leave shall be accrued based upon  
4 hours worked, paid leave, and holidays, but excluding overtime, not  
5 to exceed the total possible work hours for the pay period. Years  
6 of service shall be based on cumulative periods of employment  
7 calculated in the manner that cumulative service is determined for  
8 longevity purposes pursuant to Section 840-2.18 of this title.  
9 ~~Employees may accumulate more than the maximum annual leave~~  
10 ~~accumulation limits shown in the schedule below, provided that such~~  
11 ~~excess is used during the same calendar year in which it accrues or~~  
12 ~~within twelve (12) months of the date on which it accrues, at the~~  
13 ~~discretion of the appointing authority. If an employee whose job~~  
14 ~~duties include providing fire protection services, law enforcement~~  
15 ~~services or services with the Department of Corrections is unable to~~  
16 ~~use excess annual leave as provided for in this paragraph because~~  
17 ~~the employee's request for leave is denied by the employee's~~  
18 ~~appointing authority and the denial of leave is due to extraordinary~~  
19 ~~circumstances such that taking leave could pose a threat to public~~  
20 ~~safety, health or welfare and is unable to discharge such annual~~  
21 ~~leave as provided by subsection D of this section, the employee~~  
22 shall receive compensation at the employee's regular rate of pay for  
23 the amount of excess annual leave the employee is unable to use.

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1 Such compensation shall be paid at the end of the time period during  
2 which the excess annual leave was required to have been used;

3 2. From November 1, 2001, the following accrual rates and  
4 accumulation limits apply to eligible employees as follows:

	ACCRUAL RATES			ACCUMULATION
				LIMITS
	Cumulative			
	Years of	Annual	Sick	Annual
	Service	Leave	Leave	Leave
10	Persons employed 0-5 yrs	= 15 day/yr	15 days/yr	<del>30</del> <u>90</u> days
11	5-10 yrs	= 18 day/yr	15 days/yr	<del>60</del> <u>90</u> days
12	10-20 yrs	= 20 day/yr	15 days/yr	<del>60</del> <u>90</u> days
13	over 20 yrs	= 25 day/yr	15 days/yr	<del>60</del> <u>90</u> days

14 3. Temporary employees and other limited term employees are  
15 ineligible to accrue, use, or be paid for sick leave and annual  
16 leave. Such employees shall be eligible for paid holiday leave at  
17 the discretion of the appointing authority;

18 4. Employees shall not be entitled to retroactive accumulation  
19 of leave as a result of amendments to this section;

20 5. The Director of the Office of Management and Enterprise  
21 Services and the Executive Director of the Oklahoma Merit Protection  
22 Commission shall cooperate to assist agencies in developing policies  
23 to prevent violence in state government workplaces without abridging  
24 the rights of state employees. Such policy shall include a paid

1 administrative leave provision as a cooling-off period which the  
2 Director of the Office of Management and Enterprise Services is  
3 authorized to provide pursuant to the Administrative Procedures Act.  
4 Such leave shall not be charged to annual or sick leave  
5 accumulations;

6 6. State employees who terminated their employment in the state  
7 service on or after October 1, 1992, may be eligible to have sick  
8 leave accrued at the time of termination of employment restored if  
9 they return to state employment, provided that the state employees'  
10 enter-on-duty dates for reemployment occur on or before two (2)  
11 years after their termination of employment and they are eligible to  
12 accrue sick leave before the two (2) years expire;

13 7. Employees who are volunteer firefighters pursuant to the  
14 Oklahoma Volunteer Firefighters Act and who are called to fight a  
15 fire shall not have to use any accrued leave or need to make up any  
16 time due to the performance of their volunteer firefighter duties;

17 8. Employees who are reserve municipal police officers pursuant  
18 to Section 34-101 of Title 11 of the Oklahoma Statutes and who miss  
19 work in performing their duties in cases of emergency shall not have  
20 to use any accrued leave or need to make up any time due to the  
21 performance of their reserve municipal police officer duties; and

22 9. Employees who are reserve deputy sheriffs pursuant to  
23 Section 547 of Title 19 of the Oklahoma Statutes and who miss work  
24 in performing their duties in case of emergency shall not have to

1 use any accrued leave or need to make up any time due to the  
2 performance of their reserve deputy sheriff duties.

3 B. Nothing in the Oklahoma Personnel Act is intended to prevent  
4 or discourage an appointing authority from disciplining or  
5 terminating an employee due to abuse of leave benefits or  
6 absenteeism. Appointing authorities are encouraged to consider  
7 attendance of employees in making decisions regarding promotions,  
8 pay increases, and discipline.

9 C. Upon the transfer of a function in state government to an  
10 entity outside state government, employees may, with the agreement  
11 of the outside entity, waive any payment for leave accumulations to  
12 which the employee is entitled and authorize the transfer of the  
13 leave accumulations or a portion thereof to the outside entity.

14 D. 1. State agencies may offer employees an option to  
15 voluntarily elect to be paid for no more than two hundred (200)  
16 hours of unused accrued annual leave not to exceed two times  
17 annually. This policy shall be optional for all eligible employees,  
18 and the agency may choose the monthly pay period in which to provide  
19 such payment. The employee shall retain no less than one hundred  
20 twenty (120) hours of annual leave after such payment.

21 2. Effective November 1, 2019, the Director of the Office of  
22 Management and Enterprise Services shall appoint a committee,  
23 chaired by the Director or a designee, consisting of any number of  
24 employees representing any state agency the Director deems

1 appropriate to study and develop a policy and rules necessary to  
2 implement the program pursuant to this subsection. The committee  
3 shall solicit input from state agencies and determine policies to  
4 establish employee eligibility and any other relevant requirements.

5 3. The Office of Management and Enterprise Services is  
6 authorized and directed to promulgate administrative rules necessary  
7 to implement the provisions of this section.

8 SECTION 2. This act shall become effective November 1, 2019.

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